

ORIGINAL

ORIGINAL

SWIDLER BERLIN SHEREFF FRIEDMAN, LLP

3000 K STREET, NW, SUITE 300  
WASHINGTON, DC 20007-5116  
TELEPHONE (202) 424-7500  
FACSIMILE (202) 424-7645

EX PARTE OR LATE FILED

NEW YORK OFFICE  
405 LEXINGTON AVENUE  
NEW YORK, NY 10174

February 18, 2000

RECEIVED

FEB 18 2000

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

VIA COURIER

Magalie Roman Salas, Secretary  
Federal Communications Commission  
The Portals -TW-A325  
445 Twelfth Street, S.W.  
Washington, D.C. 20554

Re: Ex Parte -- CC Docket No. 98-147

Dear Ms. Salas:

BroadSpan Communications, Inc. d/b/a Primary Network Communications, Inc. ("PNC") respectfully requests that the Commission, on reconsideration of the *Collocation Order*,<sup>1</sup> further strengthen its collocation rules by: (1) permitting competitive local exchange carriers ("CLECs") to cross-connect to other collocating carriers at the incumbent local exchange carriers' ("ILECs") main distribution frames ("MDFs") and (2) allowing CLECs to install lockable equipment cabinets in cageless and shared collocation

---

<sup>1</sup> *Deployment of Wireline Services Offering Advanced Telecommunications Capability*, CC Docket No. 98-147, First Report and Order and Further Notice of Rulemaking, FCC 98-48 (rel. March 31, 1999), recon. pending ("*Collocation Order*"); petition for review filed, *GTE Service Corporation v. FCC*, Case No. 99-1176, (D.C. Circuit May 10, 1999).

No. of Copies rec'd 0  
List A B C D E

space.<sup>2</sup> PNC is a cutting-edge CLEC that is in the process of deploying facilities throughout the United States that will enable customers to purchase xDSL and other advanced telecommunications services.<sup>3</sup> However, as PNC has attempted to collocate equipment in the ILECs' central offices, it has faced various unreasonable actions by the ILECs to delay this deployment. Therefore, PNC urges the Commission to adopt the recommendations described herein that, while having a minimal impact on the ILECs' operations, would greatly facilitate CLECs' deployment of broadband services at a reduced cost.

**I. The Commission's Rules Should Be Clarified To Permit CLECs to Cross-Connect to Other Collocated Carriers at the ILECs' Main Distribution Frames**

PNC believes that the Commission should amend its rules, 47 C.F.R. § 51.323(h), to permit CLECs to cross-connect to other collocated carriers at the ILECs' MDFs. Under the Commission's current rules, ILECs must "permit a collocating telecommunications carrier to interconnect its network with that of another carrier at the incumbent LEC's premises" and that the "collocating telecommunications carrier . . . [may] construct its own connection between the carrier's equipment and that of one or more collocating carriers, if the telecommunications carrier does not request the

---

<sup>2</sup> PNC met with the Commission Staff to discuss collocation issues on August 3, 1999 and submitted *ex parte* comments with the Commission in this proceeding on December 21, 1999.

<sup>3</sup> PNC is a facilities-based competitive local exchange carrier ("CLEC") authorized to provide local exchange and/or intrastate interexchange telecommunications services in Connecticut, Illinois, Indiana, Kansas, Michigan, Missouri, New York, North Carolina, Oklahoma, Tennessee, and Wisconsin.

incumbent LEC's construction of such facilities.”<sup>4</sup> However, these rules do not specify at what location and in what manner the CLEC may cross-connect to the other collocated carriers.<sup>5</sup>

PNC believes that this rule should be amended and explicitly state that a CLEC can request an ILEC to install a cross-connect with another carrier at the most efficient and cost-effective point – *i.e.*, at the ILEC's MDF. Therefore, 47 C.F.R. § 51.323(h) should be amended as follows:

An incumbent LEC shall permit a collocating telecommunications carrier to interconnect its network with that of another collocating telecommunications carrier at the incumbent LEC's premises and to connect its collocated equipment to the collocated equipment of another telecommunications carrier within the same premises [**and such cross-connects between collocating carriers shall be permitted at the incumbent LEC's main distribution frames,**] provided that the collocated equipment is also used for interconnection with the incumbent LEC or for access to the incumbent LEC's unbundled network elements.

Presently, ILECs, such as Southwestern Bell Telephone Company (“SBC”), do not permit CLECs to cross-connect to other collocated carriers at the MDFs. Rather, SBC requires CLECs to install expensive and time-consuming conduits connecting their facilities to that of other collocated carriers. These conduits take up to 90 days to install, and if a CLEC wishes to interconnect with multiple carriers in the same central office, the CLEC would be forced to install separate conduits to each connecting carrier – a very expensive and time consuming option.

---

<sup>4</sup> 47 C.F.R. §§ 51.323(h) and (h)(1) (1999).

<sup>5</sup> See 47 C.F.R. § 51.323(h)(1) (1999). The rules only specify that the ILEC must permit the requesting carrier to construct such facilities “using copper or fiber equipment.” *Id.*

Allowing CLECs to cross-connect to other carriers at the ILECs' MDFs would not raise any additional security concerns and is technically feasible. Under PNC's proposal, the ILEC (and not the CLEC) would install the cross-connects between collocated carriers, so no CLEC personnel would access the MDFs. Thus, no additional security concerns would be raised by implementing this proposal because only ILEC personnel would have access to the MDFs.

In addition, the installation of cross-connects at the MDF is obviously technically feasible. ILECs presently access the MDFs in order to interconnect CLECs' local loops to the ILECs' networks. The only difference under this proposal is that the ILECs would be required to connect two competing carriers' networks at the MDFs, instead of forcing CLECs to construct separate conduits throughout the ILECs' central offices to connect collocated carriers. The FCC previously recognized that permitting cross-connects between collocated CLECs at the ILECs' premises "will foster competition by promoting efficient operation."<sup>6</sup> The FCC should go one step further and require ILECs to permit cross-connects by collocated CLECs at the MDFs because it would be more efficient and cost effective than having CLECs install conduits throughout a central office to connect to multiple carriers.

## **II. The FCC Should Amend its Rules to Permit CLECs to Install Lockable Equipment Cabinets in Cageless and Shared Collocation Space**

The Commission's adoption of rules requiring ILECs to provide cageless and shared collocation space to requesting CLECs was an important first step in reducing the

---

<sup>6</sup> *Local Competition First Report and Order*, 11 FCC Rcd 15499, at paragraph 594 (1996).

time and expense incurred by CLECs who wish collocate equipment at the ILECs' premises.<sup>7</sup> However, these rules are still not being fairly implemented by the ILECs, and the Commission must take additional steps in this proceeding to ensure that CLECs have access to collocation space in a timely and cost-efficient manner.<sup>8</sup>

PNC believes the next step the Commission should take to strengthen its rules is to permit CLECs to install lockable equipment cabinets in their cageless or shared collocation space. In order to ensure uninterrupted service to its customers and protect its sensitive and expensive equipment from unauthorized personnel, PNC would like to install lockable NEBS-compliant equipment cabinets in its cageless and shared collocation space.

However, both BellSouth (in Tennessee and Kentucky) and Ameritech (in Illinois) have refused PNC's requests. They have alleged that these cabinets are not permitted under the FCC's collocation rules. In some instances, Ameritech's tactics have precluded PNC from collocating its equipment altogether – *e.g.*, Ameritech has claimed that no caged collocation space is available in a central office while refusing to allow PNC to install lockable equipment cabinets in cageless space. Therefore, the only undesirable option available to PNC would be to leave its critical equipment unprotected. In other situations where the ILECs have refused PNC's requests to install lockable

---

<sup>7</sup> See 47 C.F.R. §§ 51.323(k)(1) and (2) (1999).

<sup>8</sup> In an *ex parte* letter filed with the Commission on December 21, 1999, PNC strongly urged the Commission to adopt a national 90 day provisioning interval for collocation. PNC reiterates its support for a national 90 day provisioning interval at this time and supports parties that have requested shorter intervals.

cabinets, PNC was forced to lease more costly caged collocation space that resulted in greater ILEC delays in provisioning the space.

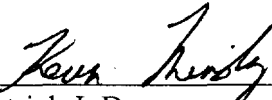
Under PNC's proposal, CLECs would be permitted to install equipment in lockable NEBS-complaint equipment cabinets that fit within their leased collocation space. By permitting the installation of lockable equipment cabinets, CLECs would not be required to lease costly caged collocation space in order to protect their equipment. It would also hasten collocation by CLECs because they would be able to use cageless and shared collocation, which generally have shorter provisioning intervals than caged collocation. Therefore, 47 C.F.R. §§ 51.323(k)(1) and (2) should be amended to permit CLECs to install lockable NEBS-compliant equipment cabinets in cageless and shared collocation space.

### III. Conclusion

For the foregoing reasons, PNC urges the Commission to revise and strengthen its collocation rules by permitting CLECs to cross-connect to other collocating carriers at the ILECs' MDFs and allowing CLECs to install lockable equipment cabinets in cageless and shared collocation space. The adoption of these recommendations will help reduce the time and expenses associated with collocation of facilities in ILECs' premises and, in turn, facilitate CLECs' deployment of advanced telecommunications services.

Sincerely yours,

**BroadSpan Communications, Inc. d/b/a  
Primary Network Communications, Inc.**

By:   
Patrick J. Donovan  
Kevin D. Minsky  
Swidler Berlin Shereff Friedman, LLP  
3000 K Street, N.W., Suite 300  
Washington, D.C. 200007  
Tel.: (202) 424-7500  
Fax: (202) 424-7645

Enclosures

cc:	Larry Strickling (FCC)	Darius Withers (FCC)
	Robert Atkinson (FCC)	Richard S. Phillips (PNC)
	Michelle Carrey (FCC)	Cully Dale (PNC)
	Margaret Egler (FCC)	David Woodsmall (PNC)
	William Kehoe (FCC)	William B. Wilhelm, Jr.

318865.1